

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

GLENN LENNON AND THELMA LENNON

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08cv665-LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY, DEFENDANTS
NATIONWIDE MUTUAL INSURANCE COMPANY,
NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY,
AND FICTITIOUS DEFENDANTS A, B, C, D, E, F AND G

ORDER OF DISMISSAL WITHOUT PREJUDICE

When the Court [12] allowed their counsel to withdraw by order dated January 22, 2009, Plaintiffs were allowed a period of thirty days in which to retain new counsel or inform the Court in writing of their intention to proceed *pro se*. The Court also cautioned Plaintiffs that their failure to take either of these actions would make this cause of action eligible for dismissal without prejudice.

The United States Magistrate Judge also entered an [16] Order to Show Cause after the expiration of the thirty day period; no attorney had made an entry of appearance on Plaintiffs' behalf, nor had Plaintiffs communicated with the Court in any fashion. Plaintiffs were directed to respond to the show cause order or face dismissal.

This Court, in a further effort to finally resolve the case, entered an [17] Order for Mediation. The mediation was scheduled for June 5, 2009, and Plaintiffs failed to appear. Therefore, dismissal is appropriate. The Court will not impose monetary sanctions at this time, but will make provision for them in the event another complaint is filed.

Accordingly, **IT IS ORDERED:**

This cause of action is hereby **DISMISSED WITHOUT PREJUDICE**, with each party to bear its own costs. In the event Plaintiffs re-file a Complaint seeking damages arising from the same facts and circumstances presented here, they may be required to pay the costs of the mediation that was not held on June 5, 2009, in an amount to be determined by the Court, unless they can show good cause for their failure to appear.

SO ORDERED this the 8th day of June, 2009.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE